



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CW.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,754	03/19/2001	Christopher Schuler	GC-425	8075

7590

08/08/2003

Sheldon H. Parker
Suite 300
300 Preston Avenue
Charlottesville, VA 22902

EXAMINER

MAYNARD, JENNIFER J

ART UNIT PAPER NUMBER

3763

DATE MAILED: 08/08/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Advisory Action

Applicati n N .

09/811,754

Applicant(s)

ED SCHULER, CHRISTOPHER

Examiner

Jennifer J Maynard

Art Unit

3763

--The MAILING DATE of this c mmunication appears n the c ver sheet with the correspondence address --

THE REPLY FILED 17 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): The 103 rejections with regard to Claims 4 and 6.
4. ☒ Newly proposed or amended claim(s) 4 and 6 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 4 and 6.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3,5 and 7-9.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments fail to traverse the 103 rejection of Claims 1, 3, 5 and 7-9 because the Examiner relies upon Knepper et al. as a teaching reference for modifying the base reference Karageozian et al.. Knepper et al. proves that utilizing Streptomyces Hyaluronidase in the alternative to utilizing Testicular Hyaluronidase is more effective at decreasing aqueous outflow resistance in the eye. Thus the motivation to modify Karageozian et al.'s method by substituting Streptomyces Hyaluronidase for Karageozian et al.'s Bovine Testicular Hyaluronidase would be obvious as it was shown by Knepper et al. to be more effective in decreasing aqueous outflow resistance which would be pertinent to Karageozian et al., as less resistance would inherently accelerate the clearance of hemorrhagic blood by aiding in outflow of fluid away from the eye. Further because of the decreased aqueous outflow resistance caused by the Streptomyces Hyaluronidase, one skilled in the art would have expected the Streptomyces Hyaluronidase to also be more effective at spreading local anesthesia through ocular tissue and to stimulate flow of physiological fluids in the eye.

J. Maynard
05 AUGUST 2003

Brian L. Casler
BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700